



Michigan National Organization for Women

Post Office Box 860
East Lansing, Michigan 48826
(517) 485-9687
www.michnow.org

June 16, 2011

Honorable Kenneth Kurtz, Chair
House Families, Children, and Seniors Committee
House Office Bldg.
Lansing, MI

Re: House Bill 4109 and 4110

Dear Members of the House Families, Children, and Seniors Committee:

The Michigan National Organization for Women urges you to vote **NO** on House Bills 4109 and 4110. These bills make performing a “partial-birth” abortion as defined in the bill a felony and permit a private cause of action by third parties.

Abortion Decisions Should Be Made by Women and Their Doctors – Medical and moral decisions concerning abortion methods need to be left to the affected women and their doctors and not legislated. Legislators should not inflict their religious beliefs about when a soul is created or when life begins by prohibiting women who do not have those religious beliefs from having safe abortions that would preserve their health. Religious tolerance needs to be observed by the Michigan Legislature in these matters.

Despite Michigan NOW’s commitment to the religious freedom of women, we recognize that women’s reproductive health advocates lost the “partial-birth” abortion battle with the Congress and in the U.S. Supreme Court. Federal law bans “partial-birth” abortion already. A state law is not needed because the procedure is already banned at the federal level. These kinds of abortions are not being performed in Michigan anymore and there is no need for the legislation.

Rationale for the Bills are Suspect - The only apparent reason for duplicating federal law with a similar state law is to provide a means for abortion opponents to further harass and bully pregnant women and their health care providers with potential state law-based claims. The anti-abortion advocates want to be able to enlist the Attorney General and local prosecutors in bringing local noxious prosecutions.

Private Right of Action – In addition to disregarding women’s health and criminalizing a potentially health-protecting abortion procedure already banned at the federal level, the bills provide a private right of action to third parties to sue a medical provider for an abortion that the third party may believe is a partial-birth abortion. Because the definition of partial-birth abortion is so vague and unscientific in these bills, allowing third parties to sue will encourage frivolous and expensive lawsuits. Those who favor tort reform should be especially concerned with the open-ended emotional damages provision in this bill.